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May 23, 2017

**BY EMAIL:**

Honorable Valerie E. Caproni  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re: United States v. Percoco, et al., S1 16 Cr. 776 (VEC)**

Dear Judge Caproni:

We represent Peter Galbraith Kelly, Jr. in the above matter. We filed motions on Friday, May 19, 2017, and submitted courtesy copies of our papers on Monday, May 22, 2017. The exhibits that we filed include the Government's most recent "discovery index." (See Decl. of Daniel M. Gitner, dated May 19, 2017 (the "Gitner Declaration"), Ex. T, Doc. No. 235-20).

Counsel for one co-defendant has indicated to us his belief that the index may reveal or allude to "Restricted Information." While the Government has indicated that it has no objection to the public filing of this index, we want to respect that other defendant's view that the filing of the index may inadvertently refer to personal and/or Restricted Information. We therefore respectfully ask that the Court direct that Exhibit T to the Gitner Declaration (Doc. No. 235-20) be stricken from the record, so that we may re-file the exhibit under seal using the procedures set forth in the Protective Order. The Government does not object to this application.

We thank the Court for its attention to this matter.

Respectfully submitted,



Daniel M. Gitner

CC:

All Counsel (Via Email)